



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/238,261	01/27/1999	HAJIME INOUE	SONYJP3.0-05	6539

530 7590 01/02/2003

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER

SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/238,261

Applicant(s)

INOUE ET AL.

Examiner

Annan Q Shang

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-13,15,32,33,36-38,40,41 and 43-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-13,15,32,33,36-38,40,41 and 43-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-13, 15, 16 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aras et al (5,872,588) and further in view of Kiewit et al (4,697,209)

As to Claim 1, note the Aras et al reference Figures 1 and 15, teach a broadcast-program selection history Information acquisition apparatus for acquiring selection history information of broadcast programs selected out of broadcast programs of a plurality of channels, note col. 24, line 44-col. 25, line 16, comprising: storage means, Memory 1706, for storing selection information of the selected broadcast programs at predetermined acquisition times, note col. 14, lines 44-67, and transmission means, Communication Adapter Controller 1557, for transmitting the selection history information which is composed of a plurality of pieces of the selection information stored at a plurality of said acquisition times, to a notification destination, Behavior Collection Center (BCT) 121, at a predetermined transmission timing, note col. 14, lines 44-67 and col. 17, lines 40-56. But Aras, fails to specifically teach selection information includes additional information showing whether the selected broadcast program are recorded or not. However, note the Kiewit reference Figures 1 and 2 teaches in a home unit monitoring method and apparatus for automatically identifying programs and

Art Unit: 2614

viewing habits of the public, sending to a central office, information including whether the selected broadcast program was recorded or not, note col. 3, lines 1-17 and col. 5, line 46-col. 6, line 2.

Therefore, the examiner submits that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Kiewit into the system of Aras in order to identify programs that are recorded and subsequently played back.

As to claim 2, Aras further discloses a broadcast-program selection history information acquisition apparatus where the selection information is composed of channel number information of the selected broadcast program and time information showing the time when the broadcast program is selected, Figure 14, note col. 14, line 66-col. 18, line 9.

As to claim 3, Aras further discloses a broadcast-program selection history information acquisition apparatus where when the same channel number information is consecutively detected as the history of broadcast programs stored in the storage means at the predetermined acquisition timing, the transmission means transmit only the channel number information and the consecutive number of times of the channel number information, note the note Figures 6C and 6D, note col. 15, lines 34-col. 16, lines 1-21, note when AVI.State=SAME_AVI the Behavior Collection Table (BCT) entry, for the particular AVI is updated

As to claim 4, Aras inherently teaches a broadcast-program selection history information acquisition apparatus where the acquisition timing is a time interval shorter

than the shortest broadcast-program constitution period among the constitution periods of the plurality of broadcast programs and the storage means acquires the selection information on all of the selected broadcast programs at the acquisition timing.

As to claim 5, Aras further discloses a broadcast-program selection history information acquisition apparatus where additional information includes information showing types and audience modes of the selected broadcast programs, note col. 18, lines 10-29.

As to claim 7, Aras inherently teaches a broadcast-program selection history information acquisition apparatus where additional information includes information showing whether the electronic programs guide information for guiding the broadcast programs of a plurality of channels is displayed or not.

As to claim 8, Aras further teaches a broadcast-program selection history information acquisition apparatus where the transmission means comprises a wide variety of techniques that can involve compression, packetization, error correction codes etc. and other communication medium and protocol desired, note col. 17, lines 23-55.

As to claim 9, note the Aras et al reference Figures 1 and 15, teach a broadcast-program selection history Information acquisition method for acquiring selection history information of broadcast programs selected out of broadcast programs of a plurality of channels, note col. 24, line 44-col. 25, line 16, comprising: storing Memory 1706, selection information of the selected broadcast programs at predetermined acquisition times, note col. 14, lines 44-67, transmitting, Communication Adapter Controller 1557

the selection history information which is composed of a plurality of pieces of the selection information stored at a plurality of said acquisition times, to a notification destination, Behavior Collection Center (BCT) 121, at a predetermined transmission timing, note col. 14, lines 44-67 and col. 17, lines 40-56. But Aras, fails to specifically teach selection information includes additional information showing whether the selected broadcast program are recorded or not. However, note the Kiewit reference Figures 1 and 2 teaches in a home unit monitoring method and apparatus for automatically identifying programs and viewing habits of the public, sending to a central office, information including whether the selected broadcast program was recorded or not, note col. 3, lines 1-17 and col. 5, line 46-col. 6, line 2.

Therefore, the examiner submits that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Kiewit into the system of Aras in order to identify programs that are recorded and subsequently played back.

As to claim 10, Aras further discloses a broadcast-program selection history information acquisition method where the selection information is composed of channel number information of the selected broadcast program and time information showing the time when the broadcast program is selected, Figure 14, note col. 14, line 66-col. 18, line 9.

As to claim 11, Aras further discloses a broadcast-program selection history information acquisition method where when the same channel number information is consecutively detected as the history of broadcast programs stored in the storage

Art Unit: 2614

means at the predetermined acquisition timing, the transmission means transmit only the channel number information and the consecutive number of times of the channel number information, note the note Figures 6C and 6D, note col. 15, lines 34-col. 16, lines 1-21, note when AVI.State=SAME_AVI the Behavior Collection Table (BCT) entry, for the particular AVI is updated

As to claim 12, Aras inherently teaches a broadcast-program selection history information acquisition apparatus where the acquisition timing is a time interval shorter than the shortest broadcast-program constitution period among the constitution periods of the plurality of broadcast programs and the storage means acquires the selection information on all of the selected broadcast programs at the acquisition timing.

As to claim 13, Aras further discloses a broadcast-program selection history information acquisition method where additional information includes information showing types and audience modes of the selected broadcast programs, note col. 18, lines 10-29.

As to claim 15, Aras inherently teaches a broadcast-program selection history information acquisition apparatus where additional information includes information showing whether the electronic programs guide information for guiding the broadcast programs of a plurality of channels is displayed or not.

As to claim 16, Aras further teaches a broadcast-program selection history information acquisition apparatus where the transmission means comprises a wide variety of techniques that can involve compression, packetization, error correction

Art Unit: 2614

codes etc. and other communication medium and protocol desired, note col. 17, lines 23-55.

As to Claim 46, note the Aras et al reference Figures 1 and 15, teach an apparatus for use in acquiring selection history information, note col. 24, line 44-col. 25, line 16, apparatus comprising: a front end, Channel Selector 1558, for receiving a signal and providing therefrom a selected broadcast program, note figure 15, a memory, Memory 1706, for storing selection information of associated with the selected broadcast programs, note col. 14, lines 44-67, a transmitter, Communication Adapter Controller 1557, for transmitting a signal representative of audience rating data based on the stored selection information, note col. 14, lines 44-67, the audience rating data comprising a header part and a data part, the data part comprising samples, each sample including an additional information field, a time field, and a channel number information field, and wherein the header part includes a subscriber number field, a date field, and a number of samples field, the value of the number of samples held indicating the number of samples in the data part, note Figures 10-14 and col. 20, lines 15-col. 21, line 32. But, Aras fails to specifically teach where the additional information field includes information showing whether the selected broadcast program was recorded or not. However, note the Kiewit reference Figures 1 and 2 teaches in a home unit monitoring method and apparatus for automatically identifying programs and viewing habits of the public, sending to a central office, information including whether the selected broadcast program was recorded or not, note col. 3, lines 1-17 and col. 5, line 46-col. 6, line 2.

Therefore, the examiner submits that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Kiewit into the system of Aras in order to identify the recorded and subsequently played back programs.

3. Claims 32, 33, 36, 37, 38, 40, 41, 43-45 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aras et al (5,872,588) and further in view of Suemastu et al (6,111,872).

As to Claim 32, note the Aras et al reference Figures 1 and 15, teach a broadcast-program selection history Information acquisition apparatus for acquiring selection history information of broadcast programs selected out of broadcast programs of a plurality of channels, note col. 24, line 44-col. 25, line 16, comprising: storage means, Memory 1706, for storing selection information of the selected broadcast programs at predetermined acquisition times, note col. 14, lines 44-67, and transmission means, Communication Adapter Controller 1557, for transmitting the selection history information which is composed of a plurality of pieces of the selection information stored at a plurality of said acquisition times, to a notification destination, Behavior Collection Center (BCT) 121, at a predetermined transmission timing, note col. 14, lines 44-67 and col. 17, lines 40-56. But Aras, fails to specifically transmission timing assigned at random in accordance with an intrinsic random number. However, note the Suemastu reference Figures 1 and 4 teaches a master station transmitter 11 performing continuous operations is communicatively coupled with a plurality of stations performing transmission/receiving operation and where the master station generates a

Art Unit: 2614

random number value corresponding to a prescribed time from a random number generator before transmission to a destination, note col. 2, lines 32-60.

Therefore the examiner submits that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Suemastu into the system of Aras in order avoid data collision in data transmission.

As to claim 36, Aras further discloses a broadcast-program selection history information acquisition apparatus where the selection information is composed of channel number information of the selected broadcast program and time information showing the time when the broadcast program is selected, Figure 14, note col. 14, line 66-col. 18, line 9.

As to Claim 37, Aras further discloses a broadcast-program selection history information acquisition apparatus where the selection history information includes an identification number intrinsically assigned to the broadcast program selection history information acquisition apparatus, note figure 14.

As to claim 40, note the Aras et al reference Figures 1 and 15, teach a broadcast-program selection history Information acquisition method for acquiring selection history information of broadcast programs selected out of broadcast programs of a plurality of channels, note col. 24, line 44-col. 25, line 16, comprising: storing Memory 1706, selection information of the selected broadcast programs at predetermined acquisition times, note col. 14, lines 44-67, transmitting Communication Adapter Controller 1557, the selection history information which is composed of a plurality of pieces of the selection information stored at a plurality of said acquisition

Art Unit: 2614

times, to a notification destination, Behavior Collection Center (BCT) 121, at a predetermined transmission timing, note col. 14, lines 44-67 and col. 17, lines 40-56.

But Aras, fails to specifically transmission timing assigned at random in accordance with an intrinsic random number. However, note the Suemastu reference Figures 1 and 4 teaches a master station transmitter 11 performing continuous operations is communicatively coupled with a plurality of stations performing transmission/receiving operation and where the master station generates a random number value corresponding to a prescribed time from a random number generator before transmission to a destination, note col. 2, lines 32-60.

Therefore the examiner submits that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Suemastu into the system of Aras in order avoid data collision in data transmission.

As to claim 43, Aras further discloses a broadcast-program selection history information acquisition method where the selection information is composed of channel number information of the selected broadcast programs and time information showing the times when the broadcast programs are selected, note Figure 14, note col. 14, line 66-col. 18, line 9.

As to Claim 44, Aras further discloses a broadcast-program selection history information acquisition method wherein the selection history information includes an identification number intrinsically assigned to the broadcast program selection history information acquisition apparatus, note Figure 14

Art Unit: 2614

As to Claim 47, note the Aras et al reference Figures 1 and 15, teach an apparatus for use in acquiring selection history information, note col. 24, line 44-col. 25, line 16, apparatus comprising: a front end, Channel Selector 1558, for receiving a signal and providing therefrom a selected broadcast program, note figure 15, a memory, Memory 1706, for storing selection information of associated with the selected broadcast programs, note col. 14, lines 44-67, a transmitter, Communication Adapter Controller 1557, for transmitting a signal representative of audience rating data based on the stored selection information, note col. 14, lines 44-67. But Aras fails to specifically teach a random number generator and a transmitter for transmitting a signal of the audience rating based on the stored selection information where the signal is transmitted as a function of a random number generated by the random number generator. However, note the Suemastu reference Figures 1 and 4 teaches a master station transmitter 11 performing continuous operations is communicatively coupled with a plurality of stations performing transmission/receiving operation and where the master station, a random number generator 114, that generates a random number value corresponding to a prescribed time before transmission to a destination, note col. 2, lines 32-60.

Therefore the examiner submits that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Suemastu into the system of Aras in order avoid data collision in data transmission.

As to Claim 33, note the Aras et al reference Figures 1 and 15, teach a broadcast-program selection history Information acquisition apparatus for acquiring

selection history information of broadcast programs selected out of broadcast programs of a plurality of channels, note col. 24, line 44-col. 25, line 16, comprising: storage means, Memory 1706, for storing selection information of the selected broadcast programs at predetermined acquisition times, note col. 14, lines 44-67, and transmission means, Communication Adapter Controller 1557, for transmitting the selection history information which is composed of a plurality of pieces of the selection information stored at a plurality of the acquisition times, to a notification destination, Behavior Collection Center (BCT) 121, at an intrinsically assigned predetermined transmission timing, note col. 14, lines 44-67 and col. 17, lines 40-56. But Aras, fails to specifically teach a transmission means transmits the selection history information through a predetermined telephone line, and decides the predetermined transmission timing based on the telephone number assigned to the telephone line. Suemastu teaches a transmitter with a random number generator 114, that generates a random number value corresponding to a prescribed time before transmission to a destination. It would have been obvious to one of ordinary skill in the art that the random value could be a telephone number since randomly generated phone numbers may be used to achieve the same result.

As to Claim 41, note the Aras et al reference Figures 1 and 15, teach a broadcast-program selection history Information acquisition method for acquiring selection history information of broadcast programs selected out of broadcast programs of a plurality of channels, note col. 24, line 44-col. 25, line 16, comprising: storing Memory 1706 selection information of the selected broadcast programs at

predetermined acquisition times, note col. 14, lines 44-67, transmitting, Communication Adapter Controller 1557, the selection history information which is composed of a plurality of pieces of the selection information stored at a plurality of the acquisition times, to a notification destination, Behavior Collection Center (BCT) 121, at an intrinsically assigned predetermined transmission timing, note col. 14, lines 44-67 and col. 17, lines 40-56. But Aras, fails to specifically teach a transmission means transmits the selection history information through a predetermined telephone line, and decides the predetermined transmission timing based on the telephone number assigned to the telephone line Suemastu teaches a transmitter with a random number generator 114, that generates a random number value corresponding to a prescribed time before transmission to a destination. It would have been obvious to one of ordinary skill in the art that the random value could be a telephone number since randomly generated phone numbers may be used to achieve the same result.

As to claim 38, Aras further teaches all the claim limitation as previously discussed with respect to claim 32 and further teaches a broadcast-program selection history information acquisition apparatus where when transmitting the selection history information to the notification destination, BCT 121, through a predetermined transmission timing. But Aras, fails to specifically teach a where the transmission timing of the broadcast-program selection history information acquisition apparatus changes the setting of the predetermined acquisition times and/or the setting of the transmission timing based on a change command transmitted from the notification destination through the line. Suemastu teaches a transmitter with a random number generator

Art Unit: 2614

114, that generates a random number value corresponding to a prescribed time before transmission to a destination. It would have been obvious to one of ordinary skill in the art that the random value could be a telephone number since randomly generated phone numbers may be used to achieve the same result.

As to claim 45, Aras further teaches all the claim limitation as previously discussed with respect to claim 40 and further teaches a broadcast-program selection history information acquisition method where when transmitting the selection history information to the notification destination, BCT 121, through a predetermined transmission timing. But Aras, fails to specifically teach a where the transmission timing of the broadcast-program selection history information acquisition apparatus changes the setting of the predetermined acquisition times and/or the setting of the transmission timing based on a change command transmitted from the notification destination through the line. Suemastu teaches a transmitter with a random number generator 114, that generates a random number value corresponding to a prescribed time before transmission to a destination. It would have been obvious to one of ordinary skill in the art that the random value could be a telephone number since randomly generated phone numbers may be used to achieve the same result.

Response to Arguments

6. Applicant's arguments with respect to claims 1-5, 7-13, 15, 32, 33,36-38, 40, 41 and 43-47 have been considered but are moot in view of the new ground(s) of rejection discussed above. This is a non-final office action.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Horton et al (4,945,563) disclose a video system and method for controlled viewing and videotaping.

Seidman et al (6,298,482) disclose a system for two-way digital multimedia broadcast and interactive services.

Alexander et al (6,177,931) disclose a system and method for displaying and recording control interface with television programs, video, advertising information and program scheduling information.

8 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Annan Q Shang whose telephone number is 703-305-2156. The examiner can normally be reached on 700am-500pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Miller can be reached on 703-305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-5991 for regular communications and 703-746-5991 for After Final communications.

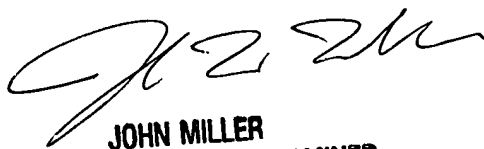
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service whose telephone number is 703-306-0377.

Application/Control Number: 09/238,261

Page 16

Art Unit: 2614


Annah Q. Shang
December 29, 2002


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600